

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

| | | |
|---|---|---------------------------------|
| REBECCA COUSINEAU, individually on her own behalf and on behalf of all others similarly situated, |) | No. 11-cv-01438-JCC |
| |) | |
| Plaintiff, |) | STIPULATION AND |
| |) | [PROPOSED] ORDER |
| v. |) | EXTENDING TIME TO ANSWER |
| |) | OR MOVE AGAINST |
| MICROSOFT CORPORATION, a Delaware |) | COMPLAINT AND |
| corporation, |) | ESTABLISHING BRIEFING |
| |) | SCHEDULE |
| Defendant. |) | <i>Noted for Consideration:</i> |
| |) | September 27, 2011 |

I. STIPULATION

Plaintiff Rebecca Cousineau and Defendant Microsoft Corporation, through their undersigned counsel, stipulate and agree as follows:

1. On August 31, 2011, Cousineau filed her Complaint against Microsoft.
2. Cousineau served her complaint on Microsoft on September 8, 2011. Absent an extension of time, Fed. R. Civ. P. 12(a)(1)(A)(i) would require Microsoft to answer, move or otherwise respond to the Complaint on or before September 29, 2011.
3. To allow Microsoft's counsel adequate time to investigate and research the allegations of the Complaint, Microsoft has requested an extension of time within which to answer, move or otherwise respond. Cousineau's counsel has agreed to that request.

4. Based on the foregoing, the parties hereby stipulate and agree that the time for Microsoft to answer, move or otherwise respond to the Complaint in this action should be extended to and including October 24, 2011.

5. Microsoft has advised counsel for Cousineau that it currently intends to move to dismiss the Complaint. Should Microsoft file a motion to dismiss on or before October 24, 2011, Cousineau's response to that motion will be due on or before November 23, 2011, and Microsoft's reply shall be due on or before December 9, 2011. The motion shall be noted for consideration on December 9, 2011.

DATED this 27th day of September, 2011.

EDELSON MCGUIRE, LLC

By /s/ Jay Edelson

Jay Edelson (admitted *pro hac vice*)
Rafey S. Balabanian (admitted *pro hac vice*)
William C. Gray (admitted *pro hac vice*)
Ari J. Scharg (admitted *pro hac vice*)
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Telephone: (312) 589-6370, Fax: (312) 589-637
E-mail: jedelson@edelson.com
E-mail: rbalabanian@edelson.com
E-mail: wgray@edelson.com
E-mail: ascharg@edelson.com

TOUSLEY BRAIN STEPHENS PLLC

Kim D. Stephens, WSBA #11984
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-1332
Telephone: (206) 682-5600, Fax: (206) 682-2992
E-mail: kstephens@tousley.com

Attorneys for Plaintiff Cousineau

DAVIS WRIGHT TREMAINE LLP
Attorneys for Defendant Microsoft Corporation

By /s/ Stephen M. Rummage

Stephen M. Rummage, WSBA #11168
Fred B. Burnside, WSBA #32491
Randal L. Gainer, WSBA #11823
Zana Bugaighis, WSBA #43614
1201 Third Avenue, Suite 2200
Seattle, Washington 98101-3045
Telephone: (206) 622-3150, Fax: (206) 757-7700
E-mail: steverummage@dwt.com
E-mail: fredburnside@dwt.com
E-mail: randygainer@dwt.com
E-mail: zanabugaighis@dwt.com

II. ORDER

IT IS SO ORDERED.

Dated this ____ day of _____, 2011.

John C. Coughenour
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 27th day of September, 2011.

Davis Wright Tremaine LLP
Attorneys for Def. Microsoft Corporation

By s/ Stephen M. Rummage
Stephen M. Rummage, WSBA #11168
1201 Third Avenue, Suite 2200
Seattle, Washington 98101-3045
Telephone: (206) 757-8136
Fax: (206) 757-7700
E-mail: steverummage@dwt.com